

## TEMPORARY OPERATING PERMITS (TOPs) PROCEDURES

**MUST** be filed with application for liquor license.

### TOPs will not be issued if sellers:

- 1) Owe wholesalers; if an invoice was written on the seller's license prior to the TOP being issued they still have 30 days to pay, so it is not owed, we won't address who must pay this invoice (sellers or buyers)
- 2) Are in bankruptcy
- 3) Have a pending citation
- 4) Owe Commission; fine/hearing costs
- 5) If closing date are more than 2-3 weeks prior to filing of TOP
- 6) Business sold on land contract

### TOP application must include:

- 1) Document showing sale of the business; may be
  - a) Purchase agreement, offer to purchase or contract
  - b) Management franchise agreement, service agreement
  - c) Promissory note
  - d) Foreclosure document
  - e) Sell of stock agreement
  - f) Settlement agreement
  - g) Inventory purchase agreement to include business
  - h) Sale of LLC membership interest
- 2) Document must show closing date or purchase date of within 90 days of requesting TOP; may have preliminary closing date or date thereafter that the buyer obtains temporary operating permit
- 3) Sale of business may be included as one of the assets because there is a financial benefit to keeping the business open
- 4) No TOP will be issued on leases only; must have sale of business

TOP applications will be reviewed by Licensing Supervisor and/or Director

- 1) Review may take approx. 5-7 days, time may be longer during holidays or work load

### TOPs approved

- 1) TOPs must be issued with same class type and license description of seller
- 2) Starting date will be issued by staff when review sheet is received, no start date may be requested by seller or buyer
- 3) Issue permit
- 4) TOP will be mailed with applicant letter; copy of TOP may be faxed or e-mailed with original in the mail
- 5) TOP must be prominently displayed at premise
- 6) Seller's liquor license must be returned to be voided

### TOPs denied

- 1) If document to sell business has a closing date, the old license needs to be terminated on that closing date
- 2) No one shall be selling alcohol if sale during the processing of new application

No special designated licenses will be issued to seller or buyer during TOP

### Reinstatement

Sellers may request a reinstatement of liquor license, if the sale of the business was not completed

- 1) Must be requested in writing
- 2) Must be received prior to expiration of TOP
- 2) Must include document showing repossession of building and business
- 4) Issue duplicate license

If wholesaler(s) submit valid proof of delinquent payment:

- 1) Forward information to supervisor for review with director
- 2) May cause TOP to be cancelled

TOPs will be extended only in cases where the buyer's application is required to be set for hearing. TOPs will be extended one week past the second day of hearings for which the application has been set. Mail, fax or e-mail extended.